

KIRSCHENBAUM LAW, PC
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Attorneys for Plaintiff,
FREMONT BANK

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FREMONT BANK, a California state-
chartered bank,

Plaintiff,

v.

ROBERT J. SIGNORELLI, individually and
as Trust of the SIGNORELLI FAMILY
LIVING TRUST dated April 8, 1994,
amended February 28, 2001, November 22,
2005, and January 5, 2015; KATHRYN R.
SIGNORELLI, individually and as Trustee of
the SIGNORELLI FAMILY LIVING
TRUST dated April 8, 1994, amended
February 28, 2001, November 22, 2005, and
January 5, 2015; and SIGNORELLI
FAMILY, L.P., a Texas limited partnership,

Defendants.

CASE NO. 18-CV-04808-HSG (DMR)

**SUPPLEMENTAL DECLARATION OF
JEFFREY B. KIRSCHENBAUM
FOLLOWING HEARING ON MOTION
FOR (1) ISSUANCE OF AN ORDER TO
SHOW CAUSE WHY DEFENDANT AND
JUDGMENT DEBTOR ROBERT J.
SIGNORELLI SHOULD NOT BE HELD
IN CIVIL CONTEMPT FOR FAILURE
TO COMPLY WITH A COURT ORDER
AND (2) IMPOSITION OF SANCTIONS**

Date: May 12, 2022
Time: 1:00 p.m.
Place: Courtroom 4

1 I, JEFFREY B. KIRSCHENBAUM, declare as follows:

2 1. I am an attorney licensed to practice before the courts of the State of California and
3 am the principal of Kirschenbaum Law, P.C., attorneys of record for plaintiff Fremont Bank. I
4 have personal knowledge of the matters stated in this Declaration, and if called as a witness would
5 and could competently testify thereto.

6 2. On April 28, 2022, this Court ordered Robert J. Signorelli to appear and show cause
7 on May 12, 2022 for his failure to comply with a prior order of the Court requiring his appearance
8 at a debtor's examination and why he should not be found in civil contempt. (Document 77.)
9 Neither Mr. Signorelli nor his attorney appeared at the May 12 order to show cause hearing.

10 3. Following the hearing, the Court ordered Fremont Bank's counsel to submit a
11 supplemental declaration supporting the bank's request for attorneys' fees as part of compensatory
12 sanctions, including support for the hourly rates of all attorneys who had worked on this matter
13 and additional details about the time and tasks that were billed. (Document 80.)

14 4. I am a 1988 graduate of UC Berkeley School of law with substantial experience in
15 banking litigation. From 2004 to 2017, I was a shareholder of the Buchalter law firm. My hourly
16 rate on this litigation is \$450 per hour.

17 5. Raymond E. Loughrey is a senior attorney with my law firm. Mr. Loughrey is a
18 1990 graduate of the University of Virginia School of Law, and has over 30 years of business
19 litigation and trial experience. Mr. Loughrey's hourly rate on this engagement is \$375 per hour.

20 6. Yumeng Xu was first-year associate with my law firm. Her hourly rate on this
21 engagement was \$200 per hour.

22 7. I began communicating with Fremont Bank in approximately July 2021 about a
23 debtor's examination of Robert Signorelli. Between July 20, 2021 and August 25, 2021, Yumeng
24 Xu worked 13.9 hours on the preparation of a motion to take a debtor's exam and related tasks.
25 Ms. Xu was a first-year associate with no experience in enforcement of judgments, so this
26 assignment was mostly a training exercise. I billed Fremont Bank for 2.0 hours of Ms. Xu's work
27 at the rate of \$200 per hour, for a total charge of \$400.
28

1 8. On August 24, 2021, Raymond Loughrey took over responsibility for preparation
2 of the motion for a debtor's exam. He worked 4.5 hours on this task on August 24, 2021 and 4.7
3 hours on August 25, 2021. I billed Fremont Bank for 9.2 hours of Mr. Loughrey's time at the rate
4 of \$375 per hour, for a total charge of \$3,450.

5 9. On November 3, 2021, I worked 0.8 hours reviewing and revising the motion for a
6 debtor's exam. On November 4, 2021, I worked 0.5 hours on this task. I billed Fremont Bank for
7 my time at the rate of \$450 per hour, for a total charge of \$585.

8 10. The total cost of preparing the motion for a debtor's exam was \$4,435 (\$400 +
9 \$3,450 + \$585).

10 11. Our first attempts to serve Robert Signorelli with notice of the debtor's exam were
11 unsuccessful. Therefore, on November 23, 2021, Mr. Loughrey prepared an *ex parte* application
12 to continue the debtor's exam. This took 1.7 hours, and Fremont Bank was billed \$637 for the
13 preparation of the *ex parte* application for the continuance of the hearing date.

14 12. I spent 3.0 hours preparing for the debtor's examination on January 31, 2022 and
15 February 1, 2022. On February 2, 2022, I spent 1.6 hours on final preparations for the debtor's
16 exam and attending the hearing at which Robert Signorelli did not appear. Fremont Bank was
17 billed \$1,350 for this work.

18 13. Mr. Loughrey spent 9.4 hours preparing a motion for an order to show cause re
19 contempt in response to Mr. Signorelli's non-appearance on February 3, 8, 10, and 11, 2022.
20 Fremont Bank was billed \$3,525 for this work.

21 14. I spent 1.4 hours working on the motion for an order to show cause re contempt on
22 February 2 and 11, 2022. Fremont Bank was billed \$630 for this work.

23 15. The total cost of preparing the motion for an order to show cause hearing was
24 \$4,155 (\$3,525 + \$630).

25 16. I spent approximately 7.7 hours communicating with Fremont Bank regarding the
26 collection of the judgment between August 2021 and February 2021. At least 25% of this time,
27 or \$855 (1.9 hours, at \$450 per hour) was directly related to the preparing for the debtor's exam
28 and preparing the moving papers.

Prepare motion to take debtor's exam:	\$ 4,435
<i>Ex parte</i> application for a continuance:	\$ 637
Prepare for/appear for debtor's exam:	\$ 1,350
Motion for order to show cause:	\$ 4,155
Communicate with client:	\$ 855

TOTAL: \$ 11,432

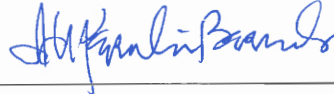
I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct, and that this declaration was executed May 17, 2022 at Oakland, California.

DATED: May 17, 2022

Jeffrey B. L.
JEFFREY B. KIRSCHENBAUM

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to this action. My business address is 328 15th Street, Oakland, California. On May 17, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.



Sandra Peralta-Bernal